

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

Case No.: 1:06-cv-00156

**WARNER BROS. RECORDS INC., a Delaware)
corporation; CAPITOL RECORDS, INC., a)
Delaware corporation; INTERSCOPE)
RECORDS, a California general partnership;)
BMG MUSIC, a New York general)
partnership; and UMG RECORDINGS, INC., a)
Delaware corporation,)**

Plaintiffs,)

v.)

JAMES KENNEDY,)

Defendant.)

DEFAULT JUDGMENT AND PERMANENT INJUNCTION

THIS MATTER is before the Court on Plaintiffs' Motion For Default Judgment.

For cause shown,

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that the Plaintiff's motion for default judgment is **GRANTED**, and it is further Ordered and Adjudged that:

Plaintiffs seek the minimum statutory damages of \$750 per infringed work, as authorized under the Copyright Act (17 U.S.C. § 504(c)(1)), for each of the seven sound recordings listed in Exhibit A to the Complaint. Accordingly, having been adjudged to be in default, Defendant shall pay damages to Plaintiffs for infringement of Plaintiffs' copyrights in the sound recordings listed in Exhibit A to the Complaint, in the total principal sum of Five Thousand Two Hundred Fifty Dollars (\$5,250.00).

1. Defendant shall further pay Plaintiffs' costs of suit herein in the amount of Four Hundred Twenty Dollars (\$420.00).

2. Defendant further shall be and hereby is enjoined from directly or indirectly infringing Plaintiffs' rights under federal or state law in the following copyrighted sound recordings:

- "Jamie's Cryin'," on album "Van Halen," by artist "Van Halen" (SR# 239);
- "We're An American Band," on album "We're An American Band," by artist "Grand Funk Railroad" (SR# N-9482);
- "Marry Me," on album "Return Of Saturn," by artist "No Doubt" (SR# 279-727);
- "Song Of The South," on album "Southern Star," by artist "Alabama" (SR# 100-925);
- "Roll Out," on album "Word of Mouf," by artist "Ludacris" (SR# 304-605);
- "Fiction (Dreams In Digital)," on album "Vapor Transmission," by artist "Orgy" (SR# 288-413);
- "I Don't Want Your Love," on album "Big Thing," by artist "Duran Duran" (SR# 96-969);

and in any other sound recording, whether now in existence or later created, that is owned or controlled by the Plaintiffs (or any parent, subsidiary, or affiliate record label of Plaintiffs) ("Plaintiffs' Recordings"), including without limitation by using the Internet or any online media distribution system to reproduce (i.e., download) any of Plaintiffs' Recordings, to distribute (i.e., upload) any of Plaintiffs' Recordings, or to make any of Plaintiffs' Recordings available for distribution to the public, except pursuant to a lawful license or with the express authority of Plaintiffs. Defendant also shall destroy all copies of Plaintiffs' Recordings that Defendant has downloaded onto any computer hard drive or server without Plaintiffs' authorization and shall destroy all copies of those downloaded recordings transferred onto any physical medium or device in Defendant's possession, custody, or control.

Signed: March 22, 2007

A handwritten signature in dark ink, appearing to read "L. H. Thornburg", written over a horizontal line.

Lacy H. Thornburg
United States District Judge

